



**DEPARTMENT OF AGRICULTURE
STATE OF NEW MEXICO**

**MSC 3189, Box 30005
Las Cruces, New Mexico 88003-8005
Telephone: (575) 646-3007**

SUSANA MARTINEZ
Governor

JEFF M. WITTE
Secretary

May 7, 2018

Emergency Response Team
U.S. EPA Office of Pesticide Programs
Document Processing Desk (EMEX)
Room S4900, One Potomac Yard
2777 Crystal Drive
Arlington, VA 22202

RE: Section 18 specific exemption request for the use of Transform WG Insecticide, EPA Reg. No. 62719-625, to be applied to sorghum fields to control the sugarcane aphid in New Mexico.

Dear Processor:

The New Mexico Department of Agriculture (NMDA) requests a specific emergency exemption under the provisions of Section 18 of the Federal Insecticide, Fungicide and Rodenticide Act, as amended, for use of sulfoxaflor, formulated as the product Transform WG Insecticide, EPA Reg. No. 62719-625, to be applied on sorghum fields (grain & forage) to control the sugarcane aphid, and incorporates by reference all information submitted in the previous application dated April 21, 2017.

This is the fourth year that NMDA has requested a specific emergency exemption for this use. The Department asks that this specific exemption request be processed as eligible for a streamlined request as allowed by 40 CFR 166.20(b)(5).

Also in accordance with the regulations, NMDA hereby certifies the emergency condition described in the previously submitted emergency exemption application continues to exist. All information submitted in the previously submitted emergency exemption application is still accurate.

The proposed conditions of use are identical to the conditions of use EPA approved previously for emergency File Symbol #17NM01, dated May 5, 2017. There were no additional conditions or limitations on the eligibility for recertification identified in the previous notice of approval. The applicant has not newly become aware of any alternative chemical or nonchemical practice that may offer a meaningful level of pest control. A final report is attached.

If you have any questions in connection with this petition, please contact Erica Millette at (575) 646-4697. Thank you for your consideration of our exemption request.

Sincerely,

Jeff Witte
Director/Secretary of Agriculture



Dow AgroSciences

Dow AgroSciences LLC
9330 Zionsville Road
Indianapolis, IN 46163

dowagro.com

April 4, 2018

Erica Millette
Program Coordinator
New Mexico Department of Agriculture
3190 South Espina
Pesticide Compliance Section/ MSC 3AQ
PO Box 30005
Las Cruces, NM 88003-8005

Re: Support letter for Transform™ WG Section 18 on sorghum

Dear Ms. Millette,

Per your request, this letter is to confirm that Dow AgroSciences supports the pursuit of a Section 18 emergency exemption for Transform WG to control sugarcane aphid in sorghum in the state of New Mexico. Transform WG has provided excellent efficacy against sugarcane aphid in previous use under Section 18 exemptions, with no negative impacts on non-target insects. It represents a new class of chemistry with a novel mode of action, and controls pests resistant to other classes of chemistry. If you have questions, please do not hesitate to call me.

Sincerely,

A handwritten signature in black ink, appearing to read "Jamey Thomas", with a stylized flourish at the end.

Jamey Thomas, Ph.D.
US Regulatory Manager
Dow AgroSciences

cc: Tami Jones-Jefferson, DAS

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Dow AgroSciences

Dow AgroSciences LLC

9330 Zionsville Road

Indianapolis, IN 46268-1054 USA

Transform® WG

EPA Reg. No: 62719-625

For Control of Sugarcane Aphid (*Melanaphis sacchari*) in Sorghum

Section 18 Emergency Exemption

File symbol: XXXXXX

FOR DISTRIBUTION AND USE ONLY IN NEW MEXICO UNDER SECTION 18 EMERGENCY EXEMPTION

This Section 18 Emergency Exemption is effective XXXXX and expires XXXXX.

- This labeling must be in the possession of the user at the time of application.
- It is in violation of federal law to use this product in a manner inconsistent with its labeling.
- Read the label affixed to the container for Transform® WG insecticide before applying. Carefully follow all precautionary statements and applicable use directions.
- Any adverse effects resulting from the use of Transform WG under this emergency exemption must be immediately reported to the New Mexico Department of Agriculture.

Environmental Hazards Statement: This product is highly toxic to bees exposed through contact during spraying and while spray droplets are still wet. This product may be toxic to bees exposed to treated foliage for up to 3 hours following application. Toxicity is reduced when spray droplets are dry. Risks to managed and native pollinators from contact with pesticide spray or residues can be minimized when applications are made before 7:00 a.m. or after 7:00 p.m. local time or when the temperature is below 55 degrees Fahrenheit (°F) at the site of application.

Directions for Use

Pests and Application Rates:

Pests	Transform WG (oz/acre)	Comments
Sugarcane aphid	0.75 – 1.5 (0.023 – 0.047 lb ai/acre)	Use a higher rate in the rate range for heavy pest populations.

Application Timing: Treat in accordance with local economic thresholds. Consult your Dow AgroSciences representative, cooperative extension service, certified crop advisor or state agricultural experiment station for any additional local use recommendations for your area.

Application Method: Control of sugarcane aphid may be contingent on thorough coverage to the crop. Use sufficient water to get full coverage of the canopy. It is recommended that a minimum of 5 gallons of water be applied by air.

Spray Drift Management: Applications are prohibited above wind speeds of 10 miles per hour (mph). Applications must be made with medium to coarse spray nozzles (i.e., with median droplet size of 341 µm or greater).

Restrictions:

- **Preharvest Interval:** Do not apply within 14 days of grain or straw harvest or within 7 days of grazing, or forage, fodder, or hay harvest.
- A restricted entry interval (REI) of 24 hours must be observed.
- Do not make more than two applications per acre per year.
- **Minimum Treatment Interval:** Do not make applications less than 14 days apart.
- Do not apply more than a total of 3.0 oz of Transform WG (0.09 lb ai of sulfoxaflor) per acre per year.
- Do not apply product ≤ 3 days pre-bloom or until after seed set.

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R396-199

Approved: __/__/__

Replaces R396-155



New Mexico Department of Agriculture
Division of Agricultural and Environmental Services Pesticide Compliance
Section
PO Box 30005, MSC 3AQ
Las Cruces, NM 88003 575-646-7020

April 12, 2018

Emergency Response Team
U.S. EPA Office of Pesticide Programs
Document Processing Desk (EMEX)
Room S4900, One Potomac Yard
2777 Crystal Drive
Arlington, VA 22202

RE: Final Report for Section 18 specific exemption request for the use of Transform WG Insecticide, EPA Reg. #62719-625, to be applied to sorghum fields to control the sugarcane aphid in New Mexico.

Dear Processor:

This constitutes the final report for the above noted specific exemptions. The requirement of 40 CFR 166.32(b) are addressed below.

1. Growers' reports indicate that 7,168 acres of sorghum were treated with a total of 5,376 ounces of Transform WG during the 2017 growing season.
2. New Mexico sorghum producers have expressed their satisfaction with Transform WG for control of the sugarcane aphid in sorghum in New Mexico.
3. Upon approval of this specific exemption on May 5, 2017, pesticide inspectors with the New Mexico Department of Agriculture (NMDA) were notified and requested to document any unexpected adverse effects resulting from the use of Transform WG on sugarcane aphids in sorghum in New Mexico.
4. No violations of the EPA approved provisions were found by NMDA pesticide inspectors during 2017.
5. No incidents of human exposures were reported to NMDA and no violations of the exemption provisions were found by NMDA pesticide inspectors.
6. Not applicable
7. The administrator has not requested any additional information in connection with this specific exemption.

If you have any questions or concerns, please feel free to contact me. Thank you.

Sincerely,

A handwritten signature in blue ink that reads "Erica Millette".

Erica Millette
Program Coordinator
575-646-4697
emillette@nmda.nmsu.edu

cc: Elizabeth Reyes, EPA Region 6